



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 16, 1998

Ms. Beverly R. Rickhoff
Schulman, Walheim & Heidelberg, Inc.
112 East Pecan, Suite 3000
San Antonio, Texas 78205-1528

OR98-2439

Dear Ms. Rickhoff:

On behalf of the San Antonio Independent School District (the "school district") you ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 118836.

The school district received, from a job applicant, a request for "all information contained in my file." In response to the request, you submit to this office for review the information which you assert is at issue. You explain that "[t]he District contends that a document entitled 'Applicant Profile' contained in the file is protected from disclosure," under sections 552.111 and 552.122 of the Government Code.¹ We have considered your claimed exceptions and arguments and have reviewed the information at issue.

We first consider whether section 552.111 protects any of the information submitted as Exhibit B. Section 552.111 of the Government Code excepts from required public disclosure:

An interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.

This exception applies to a governmental body's internal communications consisting of advice, recommendations, or opinions reflecting the policymaking process of the governmental body at issue. *See* Open Records Decision No. 615 (1993). An agency's policymaking processes do not encompass internal administrative and personnel matters. *See id.* As the information at issue concerns specific administrative and personnel matters, section 552.111 is inapplicable.

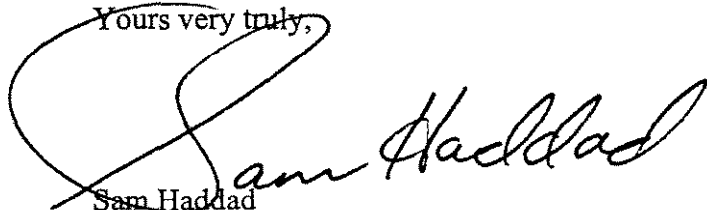
¹As you have not raised an applicable exception for other types of information generally found in an applicant's personnel file, we assume that the responsive information will be released.

We next consider your arguments under section 552.122 of the Government Code. Section 552.122(b) excepts from disclosure test items developed by a licensing agency or governmental body. In Open Records Decision No. 626 (1994), this office determined that the term "test item" in section 552.122 includes any standard means by which an individual's or group's knowledge or ability in a particular area is evaluated, but does not encompass evaluations of an employee's overall job performance or suitability. Whether information falls within the section 552.122 exception must be determined on a case-by-case basis. Open Records Decision No. 626 (1994) at 6.

You state that the "Applicant Profile constitutes a test, since the document is used to measure an individual's knowledge and ability in specific areas." However, the "Applicant Profile" consists only of general questions about the applicants experience and suitability for a job. The applicant's responses were recorded as perceived by the interviewer. Under the facts presented, we do not believe that the "Applicant Profile" is subject to section 552.122. Therefore, the school district may not withhold the "Applicant Profile" from disclosure under section 552.122(b).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Sam Haddad
Assistant Attorney General
Open Records Division

SH/ch

Ref.: ID# 118836

Enclosures: Submitted documents

cc: Mr. Richard D. Weaver
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(w/o enclosures)